

UNITED STATES DISTRICT COURT

for the

____ District of _____

FILED

Apr 10, 2024

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

United States of America

v.

)
)
)
)
)
)
)

Case No. 1:24-mj-00043-SKO

Defendant(s)

CRIMINAL COMPLAINT BY RELIABLE ELECTRONIC OR TELEPHONIC MEANS

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of _____ in the county of _____ in the
_____ District of _____, the defendant(s) violated:

Code Section

Offense Description

This criminal complaint is based on these facts:

Continued on the attached sheet.

Sean Fitzgerald

Complainant's signature

Attested to by the applicant in accordance
with the requirements of Fed. R. Crim. P.
4.1 by telephone

Printed name and title

Date: 4/10/2024

Sheila K. Oberto

Judge's signature

City and state: _____

Printed name and title

1 PHILLIP A. TALBERT
2 United States Attorney
3 ARIN C. HEINZ
4 Assistant United States Attorney
5 2500 Tulare Street, Suite 4401
6 Fresno, CA 93721
7 Telephone: (559) 497-4000
8 Facsimile: (559) 497-4099

9
10 Attorneys for Plaintiff
11 United States of America

12 IN THE UNITED STATES DISTRICT COURT
13 EASTERN DISTRICT OF CALIFORNIA

14 UNITED STATES OF AMERICA

CASE NO.

15 V.

16 MICHAEL CHARLES SMITH

AFFIDAVIT IN SUPPORT OF CRIMINAL
17 COMPLAINT

18 1. I, Ranger Sean Fitzgerald, being first duly sworn, hereby depose and state as follows:

19 **I. INTRODUCTION AND AGENT BACKGROUND**

20 2. I am a commissioned Law Enforcement Officer with the National Park Service. I have 9
21 years of experience as a law enforcement ranger for the National Park Service. I was
22 trained in conducting investigations at the Federal Law Enforcement Training Center in
23 Glynnco, Georgia.

24 3. This affidavit is based on the following facts and information observed by me and or
25 provided to me by other National Park Service Law Enforcement Rangers. This affidavit
26 establishes probable cause that Michael Charles SMITH ("SMITH") committed the following
offense:

27 A. *18 U.S.C. Section 2262 (a) (1), Interstate Violation of a Protective Order. "A person who*

1 *travels in interstate or foreign commerce, or enters or leaves Indian country or is present*
2 *within the special maritime and territorial jurisdiction of the United States, with the*
3 *intent to engage in conduct that violates the portion of a protection order that prohibits*
4 *or provides protection against violence, threats, or harassment against, contact or*
5 *communication with, or physical proximity to, another person or the pet, service animal,*
6 *emotional support animal, or horse of that person, or that would violate such a portion of*
7 *a protection order in the jurisdiction in which the order was issued, and subsequently*
8 *engages in such conduct, shall be punished as provided in subsection (b).*

9 **II JURISDICTION**

10 4. The facts set forth in this affidavit occurred within Yosemite National Park. Yosemite
11 National Park is an area of federally owned public land administered by the National Park
12 Service. Yosemite National Park is an area of the Special Maritime and Territorial
13 Jurisdictions of the United States as defined by 16 U.S.C. Section 57 “Yosemite, Sequoia,
14 and General Grant National Parks; exclusive jurisdiction of United States” and by 18
15 U.S.C. Section 7 (3) “Special maritime and territorial jurisdiction of the United States
16 defined.” The facts set forth in this affidavit occurred within Mariposa County, California.
17 Mariposa County is within the Eastern District of California.

18 **III PROBABLE CAUSE**

19 5. On April 9, 2024, at approximately 6:54 AM, the Yosemite Emergency Communications
20 Center (YECC) received a call from a NPS employee named “Will” stating that there was
21 a black Toyota Camry (“the Toyota”) at Bridalveil Falls Parking Lot¹ that had caught fire
22 but was extinguished. NPS Firefighters responded and arrived on scene at approximately
23 7:19 AM.

24 6. While he was at the Bridalveil Parking Lot, Fire Captain Aaron Ludwig observed a male
25 in his mid-30’s, later identified as SMITH, and an adult female, later identified as A.C.,

26

27 ¹ The Bridalveil Falls Parking Lot is located in Yosemite Valley. It is at the intersection of Highway 41 and Southside Drive. It is the trailhead parking lot for the Bridalveil Falls trail. The parking lot has room for about 100 cars and has a bathroom building.

1 standing adjacent to the Toyota and that they appeared to be talking to each other.

2 7. Officer John Hesdon and I arrived on scene at approximately 7:40 AM. We spoke to
3 Captain Ludwig. Captain Ludwig told us that SMITH and A.C. told him they had
4 extinguished the fire by dumping various things from an ice chest on it. Ludwig told us
5 A.C. was the owner of the Toyota.

6 8. After speaking with Captain Ludwig, I observed SMITH standing approximately 10-15
7 feet away from A.C. A.C. was being interviewed by Officer Hesdon. I spoke with
8 SMITH to conduct a preliminary investigation to determine how the Toyota caught fire.
9 SMITH told me he was he had been in the parking lot since about 03:30 AM – 04:00 AM
10 and he was “up the road and heard her screaming and yelling.” He went to the Toyota and
11 found A.C. was out of the Toyota and passenger’s compartment was on fire.

12 9. I asked SMITH for his identification card for documentation purposes. SMITH stated,
13 “I’d prefer not to.” I asked if I can just get his name and SMITH stated, “my name is
14 Michael David.”

15 10. I then conducted National Interstate Criminal Information (NCIC) database checks
16 through the YECC on A.C because she provided her name. These NCIC checks
17 indicated A.C. was a protected party in a Criminal Protection Order (CPO). She was
18 protected from “Michael Charles SMITH” (SMITH).

19 11. As outlined further below, I reviewed the CPO from the issuing county (Kern County).
20 This CPO was issued on March 11, 2024, by the Kern County Superior Court. This CPO
21 specifically prohibited Smith from contacting A.C. and being within 100 yards of A.C.

22 12. SMITH walked away from the Bridalveil Falls parking lot area, heading east, at about the
23 time of the NCIC return for A.C.

24 13. Officer Hesdon received consent from A.C. to search her bags that were in the bathroom.
25 Among her belongings in the bathroom was men’s clothing and a Lyons County
26 (Nevada) jail booking report for a “Michael SMITH”. Printed on the booking sheet were
27 photographs of SMITH’s and his identifying information. I recognized the photographs

1 of Smith on the booking report as Michael David (SMITH) who I had just spoken to and
2 observed about 10 to 15 feet from A.C.

3 14. I then conducted NCIC database checks on SMITH using the information on the Lyon
4 County booking report. These checks confirmed SMITH was a restrained person from
5 A.C. (the same the March 11, Kern County CPO).

6 15. At about 11:38 AM, Supervisory Officer Ian Rippetoe contacted the Kern County District
7 Attorney's Office. Officer Rippetoe obtained a copy of the CPO electronically.

8 16. The CPO is active and will not expire until March 11,2027. It specifies SMITH must not
9 contact A.C. or be within 100 yards of A.C. Specifically, it states "defendant must not
10 contact the protected person [A.C.] directly or indirectly, by any means." It further states
11 SMITH must stay at least 100 years away from A.C.'s person, home, vehicle, job or
12 workplace. SMITH was personally served with a copy of this order at a court hearing on
13 March 11, 2024. Finally, the order states "traveling across state or tribal boundaries with
14 the intent to violate the order may be punishable as a federal offense."

15 17. For the next three to four hours, multiple NPS Officers, and a police tracking K9,
16 searched the Bridalveil Falls area for SMITH. They were unable to locate SMITH. A.C.
17 was questioned by Officers, asking if she knew SMITH's whereabouts. At first, A.C.
18 denied knowing SMITH or his location. Eventually, A.C. confirmed she did know
19 SMITH, that they are in a romantic relationship, referring to SMITH as her "husband",
20 and they were traveling together. A.C. told Officer Fey on scene that she was renting a
21 car from Enterprise located in Oakhurst, CA.

22 18. Officers cleared from Bridalveil parking area except for Officer Smith, who stayed in the
23 area in plain clothes to observe A.C. and see if SMITH returned to the area. Officers
24 waited in the area for approximately 3 hours until the tow truck arrived for A.C.'s
25 Toyota. A.C.'s vehicle was not functional due to the fire. Officer K. Smith observed the
26 tow truck leave with A.C. and the Toyota at approximately 2:30 p.m.

27 19. Shortly after A.C. left with the tow truck, Officer Hesdon called Enterprise in Oakhurst,
28

1 CA. Hesdon spoke with a representative named Omar, who informed Hesdon that the
2 vehicle that A.C. was planning to rent from Enterprise was a white Nissan Frontier with
3 CA plate 13828J3. Hesdon asked Omar to inform him when A.C. departed from
4 Enterprise in the above vehicle. At approximately 4:15 p.m., Omar called Officer
5 Hesdon to inform him that A.C. had left with the described rental car and had stated that
6 she "was going to pick up her husband." A Be on the Lookout (BOLO) was sent out to
7 all park units for the Nissan rented to A.C. At approximately 4:55 p.m., the South
8 Entrance Station of Yosemite National Park reported that the white Nissan Frontier had
9 driven through the entrance with one female occupant that identified herself to the
10 entrance staff as A.C.

11 20. At approximately 5:32 p.m., Officer Hesse reported that A.C. in the white Nissan Frontier
12 had pulled into the Bridalveil Falls parking lot. Officer Hesse and Officer Del Pozzo
13 observed A.C. stop the Nissan on the east side of the parking lot. Officer Hesse and
14 Officer Del Pozzo observed a male approach the front passenger door and the male enter
15 the Nissan through the front passenger door. Officer Del Pozzo and Officer Hesse drew
16 their firearms and identified themselves as police and ordered A.C. to stop the vehicle.

17 21. A.C. drove the Nissan passed Officer Del Pozzo and Officer Hesse. Officer Blade and
18 McComb drew their firearms and stopped A.C. The male was ordered out of the Nissan
19 and was positively identified as SMITH. SMITH was placed into custody at
20 approximately 5:37 p.m

21
22 .
23 Respectfully submitted,
24 
25 _____
Ranger: Sean Fitzgerald
Law Enforcement Park Ranger
Yosemite National Park, CA
26
27
28

1 Affidavit submitted by
2 email/pdf and attested to me as
3 true and accurate by telephone
4 consistent with Fed. R. Crim. P.
4.1 and 41(d)(3). Subscribed
4 and sworn to before me on:
5 April 10, 2024.

6 
7 Hon. Sheila K. Oberto
U.S. MAGISTRATE JUDGE

8

9 Approved as to content and form by:

10 /s/ Arin C. Heinz
11 ARIN C. HEINZ
12 Assistant U.S. Attorney